

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
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U.S. DISTRICT COURT
DISTRICT OF MASS.

DONALD C. HUTCHINS

Plaintiff

v.

CARDIAC SCIENCE, INC., et. al.,

Defendants

Civil Action: **04-30126-MAP**

**MEMORANDUM IN SUPPORT OF PLAINTIFF, DONALD C. HUTCHINS'
MOTION TO TRANSFER CA- 04-30126-MAP TO THE
EASTERN MASSACHUSETTS DIVISION UNDER L. R. 40.1 (F)**

Plaintiff, Donald C. Hutchins ("Hutchins") files this Memorandum in Support of his Motion to move this Court to transfer Civil Action 04-30126-MAP to the Eastern Massachusetts Division of the District of Massachusetts at the earliest possible date.

I. SUMMARY OF POSITION

The Court has noted several times at Hearings that Civil Action 04-30126-MAP is a very complicated case. There have been 138 docketed entries to date and the addition of several parties is pending. The damages claimed by the current parties are in excess of 3.5 million dollars.

The *Springfield Republican* of January 11, 2006 headlined the transfer of cases to Boston with the approval of Mark L. Wolf, Chief Judge due to the excessive workload in the Western Division. The Republican article states, "These transfers will make sure the defendants get the speedy trials that they are guaranteed under the law." This transfer will assure the parties the same guarantees.

Hutchins, who is a resident of the Western Division, accepts the inconvenience of this transfer. The Defendants are from Ohio, California and Minnesota, use the PACER system and can commute more easily through Logan Airport that is within 3 miles of the

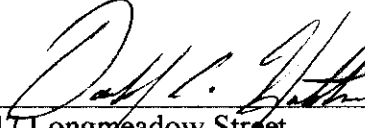
Eastern Division courthouse. As a result, this transfer would not inconvenience the Defendants.

II. CONCLUSION

It is in the best interest of the Court and the parties to have Civil Action 04-30126-MAP transferred to the Eastern Division. Transfer of this complicated case will allow the Court to focus its attention on the criminal trials that are time consuming and have overloaded the docket.

The Plaintiff

Donald C. Hutchins, Pro Se



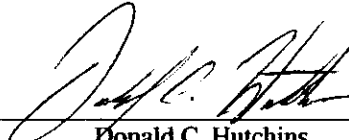
1047 Longmeadow Street
Longmeadow, Massachusetts 01106
(413) 567-0606

Dated: January 11, 2006

CERTIFICATE OF SERVICE

I, Donald C. Hutchins, 1047 Longmeadow, Massachusetts 01106, hereby certify that I served a copy of the foregoing on the appropriate parties by sending a copy by United States mail to: Randall T. Skaar, Esq. Patterson, Thunte, Skaar & Christensen, P.A., 4800 IDS Center, 80 South 8th St. Minneapolis, Minnesota; 55402, Paul H. Rothschild, Esq. Bacon & Wilson, P.C., 33 State St., Springfield, MA 01103; John J. Egan Esq., Egan, Flanagan and Cohen, P.C., 67 Market St., Springfield, MA 01102-9035, Colleen O'Neil Esq., Calfee, Halter & Griswold LLP, 1400 McDonald Investment Center, 800 Superior Avenue, Cleveland, OH 44114.

Dated: 1/11/06



Donald C. Hutchins